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10/008671

## UTILITY PATENT APPLICATION TRANSMITTAL

(For new Non-provisional applications under 37 CFR1.53(b))

Attorney Docket No.: BRK1326P0392US  
 First Named Inventor: Johnston et al.  
 Express Mail Label No. EV 033930445 US

Box PATENT APPLICATION  
 Commissioner For Patents  
 U.S. Patent and Trademark Office  
 P.O. Box 2327  
 Arlington, Virginia 22202

Sir:

Transmitted herewith for filing is a new utility patent application of inventor(s): **Derek Scott Johnston and Vincent J. Delia** and entitled: **Carbon Monoxide and Smoke Detection Apparatus**. For purposes of publication, this patent application is assigned to: **BRK Brands, Inc.**.

**Application Elements:**

1.  Applicant claims small entity status (See 37 CFR 1.27.)
2.  Specification containing 49 pages.
3.  Drawings: 38 Sheets of  formal drawings  informal drawings
4.  Oath or Declaration
  - a.  An executed declaration or oath for the utility patent application including a power of attorney,
  - b.  An unexecuted declaration or oath for the utility patent application including a power of attorney;
  - c.  Copy from a prior application (37 CFR 1.63(d)), for continuation/divisional with No. 17 completed.
    - i.  Signed statement attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).
5.  Application Data Sheet (See 37 CFR 1.76.)
6.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix).
7.  Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary).
  - Computer Readable Form (CFR)
  - Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  Paper
  - Statements verifying identity of above copies.

**Accompanying Application Parts:**

8.  Assignment Papers (cover sheet, document(s) and requisite fee).

9.  37 CFR 3.73(b) Statement (where there is an assignee)  
 Power of Attorney
10.  English Translation document (if applicable)
11.  Information Disclosure Statement (IDS), including PTO-1449  
 Copies of IDS Citations
12.  Preliminary Amendment
13.  Return Postcard for PTO Mail Room Date Stamp (should be specifically itemized).
14.  Certified Copy of Priority Document(s) (if foreign priority is claimed).
15.  Request and Certification For Nonpublication Under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.

16.  Other Supplemental Transmittal Letter

17.  If Continuing Application, check appropriate box and supply the requisite information below and in a preliminary amendment:

Continuation     Divisional     Continuation-in-part (CIP) of prior application No.  
09/058,467, filed April 9, 1998.

Prior application information: Examiner: Lieu, J. Group/Art Unit: 2736

**For CONTINUATION or DIVISIONAL Applications only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4c, is considered as being part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**Fee Calculation** The filing fee has been calculated as shown below:

For	Small Entity					Large Entity	
	No. Filed	No. Allowed	No. Extra	Rate	Fee	Rate	Fee
Basic Fee					\$370.00		
Total Claims	21	- 20 =	1	x \$9.00	\$		
Indep. Claims	4	- 3 =	1	x \$42.00	\$		
Multiple Dependent Claims Present				+ \$140.00	\$		
				TOTAL	\$		

18.  A check in the amount of \$ 842.00 to cover the filing fee is enclosed.
19.  Please charge my Deposit Account No. 04-1644 in the amount of \$ \_\_\_\_\_.

20.  The Commissioner is authorized to charge payment of the following amounts associated with this communication or credit any overpayment to Deposit Account No. 04-1644:
- Additional filing fees under 37 CFR 1.16 or deficiencies in remittances therefor.
- Additional processing fees under 37 CFR 1.17 or deficiencies in remittances therefor.
- ONLY if applicant has partially paid** the patent issue fee under 37 C.F.R. §1.18, then the **deficiency** shall be charged to Deposit Account No. 04-1644, and the Commissioner is authorized to so charge the Deposit Account.

21. **Correspondence Address:** ROCKEY, MILNAMOW & KATZ, LTD.  
Two Prudential Plaza  
180 North Stetson, Suite 4700  
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Customer Number (01942)  
and/or Bar Code Label:



Date: December 7, 2001 Attorney's Signature Lawrence J. Chapa  
Lawrence J. Chapa, Reg. No. 39,135

#### CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this Utility Patent Application Transmittal, enclosed application, and any other documents referred to as enclosed herein, are being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and addressed to Box PATENT APPLICATION, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, Virginia 22202

Express Mail Label No.: EV 033930445 US

Date of Deposit: December 7, 2001

Typed/Printed Name of Person Signing: Meagan Hassan

Signature: Meagan Hassan

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Johnston et al. )  
For: Carbon Monoxide and Smoke )  
Detection Apparatus )  
Serial No.: )  
Filed: )  
Examiner: )  
Art Unit: )

**SUPPLEMENTAL TRANSMITTAL LETTER**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The present application is a continuation application of U.S. patent application Serial Number 09/058,467, filed April 9, 1998, entitled "CARBON MONOXIDE AND SMOKE DETECTION APPARATUS", which claims priority from provisional U.S. patent application Serial No. 60/055,009, entitled "SMOKE AND GAS DETECTORS," filed August 7, 1997.

The specification has been amended to incorporate the changes made during the prosecution to date of the parent application.

The claims of the present application, claims 1-21, correspond to claims 20-24, 48, 49, 42, 44 and 52-63, respectively, in the form they would have been in had they not been canceled without prejudice or amended (claim 44) in order to advance the prosecution of the allowed claims.

The applicants would request that the claims of the present application be favorably considered for the same reasons previously advanced during the prosecution of the parent application.

Respectfully submitted,

BY Lawrence J. Chapa  
Lawrence J. Chapa, Reg. No. 39,135

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